

# City of Willoughby Hills

## ORDINANCE NO. 2020-10

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### **AN ORDINANCE CONFIRMING THE APPOINTMENT OF MICHAEL C. LUCAS AS DIRECTOR OF LAW AND APPOINTMENT OF ASSISTANT LAW DIRECTORS, DEFINING THE DUTIES AND THE RESPONSIBILITIES OF THE POSITIONS AND FIXING THE SALARY AND COMPENSATION FOR SAID POSITIONS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**WHEREAS**, pursuant to Section 4.3 of the Charter of the City of Willoughby Hills titled "The Department of Law", Section 4.31, titled "The Law Director" states: "The Department of Law shall be administered by a Law Director, who shall be an attorney-at-law admitted to practice in the State of Ohio, and shall be appointed by the Mayor"; and

**WHEREAS**, Section 4.32 of the Charter of the City of Willoughby Hills titled "Duties and Responsibilities" states: "The Law Director shall prepare all contracts, bonds and other instruments in writing in which the Municipality is concerned, and shall serve the several directors and officers of the Municipality as legal counsel and attorney..." Subject to the approval of the Mayor, the Law Director may appoint such assistants as he shall deem necessary"; and

**WHEREAS**, when required to do so by Resolution of Council, the Law Director shall prosecute or defend on behalf of the Municipality, all complaints, suits, and controversies in which the Municipality is a party, and such other suits, matters and controversies as he is directed to prosecute, by Resolution or Ordinance; and

**WHEREAS**, to ensure that the Law Director shall serve both the Administrative and Legislative branches of government equally in working towards the best interests of the City of Willoughby Hills, its constituents and businesses, the duties along with the responsibilities, and compensation for said positions have been more fully defined hereinafter.

***NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:***

**SECTION 1.** Law Director Michael C. Lucas shall be paid a retainer of Four Thousand Two Hundred and Fifty dollars (\$4,250.00) per month as earnable salary, payable according to city policy. The monthly retainer shall be paid to Attorney Michael C. Lucas, together with OPERS benefits. The City shall issue a W-2 for said wages earned pursuant to this section.

In consideration of such retainer, the Law Director, or his designee, shall:

- (a) Attend all regular meetings of Council and such special meetings as the Mayor or Council may request;
- (b) Review routine legislation, contracts and legal documents, on behalf of the City;
- (c) Furnish routine advice to City Officials, Departments, Boards and/or Commissions;
- (d) Subject to the approval of the Mayor, appoint such assistants as the Law Director deems necessary to carry out the duties described herein;

- (e) Review and respond to public record requests;
- (f) Appearances before the Willoughby Hills Administrative Boards and Tribunals upon request and for any and all litigation (other than prosecutorial matters);
- (g) For time expended on City business by Assistant Law Directors or legal assistants on matters identified in this section.
- (h) When required to do so by Resolution of Council, the Law Director shall prosecute or defend on behalf of the Municipality, all complaints, suits, and controversies of which the Municipality is a party, and such other suits, matters and controversies as he is directed to prosecute, by Resolution or Ordinance wherein fees to perform such services will be set by Council.

**SECTION 2.** The following contract provisions are also included in Attorney Lucas's proposal and are hereby included in this contract agreement for his appointment as Law Director:

- (a) Attorneys Thomas G. Lobe and Stephanie E. Landgraf shall be appointed as Assistant Law Directors for the City.
- (b) Attorney Stephanie E. Landgraf and Daniel F. Richards, both affiliated with the law firm of Wiles & Richards, shall serve as additional support in Law Director Lucas's representation of the legal interests of Willoughby Hills, including both ordinary and incidental legal services, respectively.
- (c) Other than as provided in (d) below, extraordinary legal services shall be billed to the City by the Law Director and Assistant Law Directors at the hourly rate of One Hundred and Fifty dollars (\$150.00). Extraordinary legal services shall be defined as the following:
  - (i.) The defense of the City against all threatened, imminent or actual litigation, and secondly and independent claims and disputed issues asserted by any opposing and/or independent counsel against the City;
  - (ii.) The preparation of transactional documents and agreements on behalf of the City;
  - (iii.) All litigation initiated against the City's interest and to be conducted in any federal or state court, governmental and administrative agency, or governmental department;
  - (iv.) Mayor's Court and Prosecutorial Services on behalf of the City;
  - (v.) Regular attendance at any City Board or Commission, including the Board of Zoning Appeals, Planning Commission or Architectural Board of Review;
  - (vi.) Legal services provided in the course of negotiation and document preparation for labor and collective bargaining matters, and on behalf of the City for economic development and tax abatement and incentive matters;
  - (vii.) Legal services and attendance of matters and meetings regarding the Assessment and Equalization Board;
  - (viii.) Representation for the City for disciplinary and City matters with its employees; and
  - (ix.) All other matters directed by the Mayor or Council.

- (d) As compensation for attorney Thomas G. Lobe in his position as Assistant Law Director, his monthly retainer shall be paid by the City to the law firm of Wiles and Richards in the amount of Two Thousand Two Hundred and Fifty dollars (\$2,250), and thereafter and upon receipt distributed to him by the law firm of Wiles and Richards. This monthly retainer shall not be subject to OPERS. Assistant Law Director Lobe will provide approximately twenty (20) hours of monthly legal services during normal business hours. His work for the City and its daily legal matters will be conducted either in person or remotely. Independent of the monthly retainer agreement Assistant Law Director Lobe shall also provide legal support and service for extraordinary legal services at the rate provided in Section (c) as approved by the Mayor or Council.

**SECTION 3.** All ordinances or parts thereof in conflict with the provisions of this Ordinance be, and they are hereby repealed as of the effective date of this Ordinance.

**SECTION 4.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 5.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of a Municipal Department and further immediately provides for the salary and compensation of a Law Director; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: 21 February, 2020

Submitted to the Mayor for his approval  
on this 21 day of February, 2020

ATTEST:

Katherine Lloyd  
Clerk of Council  
*Clerk pro tem*

Christopher Hallum  
Christopher Hallum  
President of Council

Approved by the Mayor  
February 24, 2020

G. Andrew Gardner  
G. Andrew Gardner  
Mayor/Safety Director